

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Menno School District  
Accountability Review - Monitoring Report 2012-2013**

**Team Members:** Donna Huber, Team Leader; Linda Shirley, Education Specialist and Bev Petersen, Transition Liaison.

**Dates of On Site Visit:** December 5, 2012

**Date of Report:** December 18, 2012

**All non-compliance must be corrected within 1 year of this report date.**

**Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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#### **GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:23:02. Psychological evaluator.** A psychological evaluator must be a school psychologist certified by the department or a school psychological examiner certified by the department. A school psychological examiner's report must be co-signed by a certified school psychologist.

**ARSD 24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:
  - (a) Whether the child is a child with a disability; and
  - (b) The content of the child's IEP, including information related to enabling the child:
    - (i) To be involved in and progress in the general education curriculum; or
    - (ii) For a preschool child, to participate in appropriate activities;
- (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

**ARSD24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general education curriculum or
  - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
  - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
  - (b) Meet each of the student's other educational needs that result from the student's disability;
- (3) A statement of the special education and related services and supplementary aids and services,
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class
- (8) Beginning not later than the first IEP to be in effect when the student turns 16 ...the IEP shall include:
  - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and
  - (b) The transition services (including courses of study) needed to assist the student in reaching those goals;

### Corrective Action:

#### **Prong 1: Correct each individual case of noncompliance**

**Timeline for Completion: 45 calendars day from the report date listed above.**

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student File # (4):</b> This student was reported on child count under the category of 570. <ol style="list-style-type: none"><li>1) The district's evaluation report did not identify skill specific cognitive strengths and needs during a skill based assessment which the IEP team could use to develop the IEP.</li><li>2) This student's IEP content lacked:<ol style="list-style-type: none"><li>a) Strengths and needs that linked to the skill based evaluation</li><li>b) How the disability affects the student's participation in appropriate activities</li><li>c) A clear description of services</li></ol></li></ol>	District will need to <ol style="list-style-type: none"><li>1) Conduct a skill based assessment in the cognitive area, following all procedural safeguards</li><li>2) Write a report summarizing the strengths and needs from this assessment, which will be given to the parent</li><li>3) Amend the current IEP or write a new IEP which meets the strengths and needs identified through the skill based assessment and adequately address all content areas of the IEP</li></ol>	District will submit: <ol style="list-style-type: none"><li>1) Prior Notice (PN) Consent for evaluation-including parental input</li><li>2) Skill based assessment report for the cognitive domain</li><li>3) PN for the meeting</li><li>4) IEP</li><li>5) Parental Prior Notice</li></ol>
Date Data Submitted: Status:		

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student File # 2:</b> This student was reported on child count under the category of 510. <ol style="list-style-type: none"><li>1. This student was evaluated by a school psychologist intern and there was no evidence that a licensed school psychologist reviewed and approved the report.</li><li>2. This student is receiving Occupational Therapy services in the area of fine motor skills. But there was no skill</li></ol>	The district must: <ol style="list-style-type: none"><li>1. Have the licensed school psychologist review and approve the report.</li><li>2. Conduct a skill based assessment in the area of fine motor to identify the strengths and needs specific to this student. Within the report the evaluator must identify the date and source of the skill based assessment.</li><li>3. Amend the IEP if the IEP team feels it is</li></ol>	District will submit: <ol style="list-style-type: none"><li>1) Prior Notice (PN) Consent for evaluation</li><li>2) Skill based assessment report for the fine motor skills</li><li>3) PN for the meeting (if the team feels the IEP needs to be amend through the IEP process)</li><li>4) Amended IEP if team does so</li></ol>

based assessment to identify the strengths and needs specific to this student.	needed after reviewing the skill based assessment.	5) Parental Prior Notice
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
<b>Student File # 3:</b> This student was reported on child count under the category of 530. <ol style="list-style-type: none"> <li>This student is receiving Occupational Therapy services in the area of fine motor skills. But there was no skill based assessment to identify the strengths and needs specific to this student in the area of fine motor skills.</li> <li>The IEP did not have all IEP content areas adequately addressed:               <ol style="list-style-type: none"> <li>All goals need to have short term objectives because this student is taking the alternate statewide assessment.</li> <li>In the present level of academic achievement and functional performance, the IEP team did not address how the student's lack of fine motor skills affect the student's progress in the general curriculum.</li> </ol> </li> </ol>	The district must: <ol style="list-style-type: none"> <li>Conduct a skill based assessment in the area of fine motor to identify the strengths and needs specific to this student. Within the report the evaluator must identify the date and source of the skill based assessment.</li> <li>Amend the IEP</li> </ol>	The district must submit: <ol style="list-style-type: none"> <li>Prior Notice Consent for evaluation</li> <li>Copy of the skill based assessment report for fine motor</li> <li>PN for the meeting (if the team feels they need to meet in order to amend the IEP)</li> <li>Amended IEP</li> <li>Parental Prior Notice</li> </ol>
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
<b>Student File # 6:</b> This student was reported on child count under the category of 530. <ol style="list-style-type: none"> <li>The IEP did not have all content areas adequately addressed:</li> </ol>	The district must: <ol style="list-style-type: none"> <li>Amend the IEP to adequately address all areas of the IEP</li> </ol>	District will submit: <ol style="list-style-type: none"> <li>PN for the meeting (if the team feels they need to meet in order</li> </ol>

a) In the present level of academic achievement and functional performance, the IEP team did not adequately address how the student's disability affect the student's progress in the general curriculum. b) Justification for placement		to amend the IEP) 2. Amended IEP 3. Parental Prior Notice
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
<b>Student File # 8:</b> This student was reported on child count under the category of 525. 1.The IEP did not have all IEP content areas adequately addressed: a) In the present level of academic achievement and functional performance, the IEP team did not adequately address how the student's disability affects the student's progress in the general curriculum. b) Justification for placement c) Academic goals need to be skill specific	The district must: 1. Amend the IEP to adequately address all areas of the IEP	District will submit: 1. PN for the meeting (if the team feels they need to meet in order to amend the IEP) 2. Amended IEP 3. Parental Prior Notice
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
<b>Student File # 5:</b> This student was reported on child count under the category of 555. 1. This student was evaluated by a school psychologist intern and there was no evidence that a licensed school psychologist reviewed and approved the report.	The district will need to: 1) Provide evidence that the report written by the school psychologist intern was reviewed and approved by a licensed school psychologist 2) Conduct skill based assessment in order to	District will submit: 1) A copy of the signed report 2) Prior Notice (PN) Consent for evaluation 3) Skill based assessment report 4) PN for the meeting

<p>2. Because the evaluation process lacked a thorough skill based assessment:</p> <p>A) The evaluation process was not sufficiently comprehensive enough to identify all the needs of the student.</p> <p>B) The IEP team did not determine “how the disability affects the student’s progress in the general curriculum”.</p> <p>C) The IEP team did not determine whether the student requires a specially designed program to access the general curriculum</p> <p>D) The IEP’s Present Level of Academic Achievement and Performance page did not address specific skills the student lacked due to the disability and</p> <p>E) The IEP goals were not observable or measurable</p> <p>3. The IEP did not adequately address the IEP content of transition.</p>	<p>determine educational needs affected by the disability, which will aid in determining eligibility and developing an IEP to provide benefit for the disability.</p> <p>3) Develop an IEP to address the educational needs of the student which relate to the student’s disability, including transition.</p>	<p>5) IEP</p> <p>6) Parental Prior Notice</p>
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
<p><b>Student File # 7:</b></p> <p>The IEPs developed for this student did not adequately address the IEP content for transition.</p>	<p>The district will need to amend the IEP for this student.</p>	<p>District will submit:</p> <ol style="list-style-type: none"> <li>1. PN for the meeting (if the team feels they need to meet in order to amend the IEP)</li> <li>2. Amended IEP</li> <li>3. Parental Prior Notice</li> </ol>
<p>Date Data Submitted:</p> <p>Status:</p>		

**Prong 2:** Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

**Required Action:**

The district ensure:

- Individuals responsible for evaluating students will be licensed to do so.
- Students will receive a skill based assessment in each area of disability in order to help determine eligibility for special education and help the IEP team develop a specially designed program to meet the student's needs.
- Develop an IEP that provides educational benefit, including all components of transition.

The district will receive technical assistance regarding these issues noted in this report.

**Data To Be Submitted:**

Each teacher who submitted for Prong 1 will submit for one student evaluated since December 6, 2012:

1. Prior Notice Consent for evaluation/reevaluation (preferably one evaluation process should include a student who may meet eligibility for a related service to address fine motor skills).
2. A copy of all evaluation reports
3. Copy of the eligibility document
4. IEP (one IEP should address transition)
5. Parental Prior Notice

**Target Date for Completion:** October 31, 2013

**Date - Status Report:**

**State Performance Plan – Performance Indicators**

**Indicator 3 – Participation/Performance on Assessment**

**B)** Did the district meet the participation target for the subgroup students with disabilities in the statewide assessment?

**State Target:** 99.30 or higher

**District %:**100%

**District Response:** The Menno District did meet the participation rate of 100% for the students with disabilities subgroup in the statewide assessment, because the district finds a way to meet the student's needs by accommodations that the students need to complete the state-wide assessment.

**Indicator 5 – Placement of Children Age 6-21**

Percent of children with IEPs aged 6 through 21:

A. inside the regular class 80% or more of the day inside the regular class 80% or more of the day;

**State Target:** 66%

**District %: 48%**

**District Response:** The Menno District feels that the needs of the child need to be considered when determining placement of children. The district has had an influx of students who needed the placement of resource room due to their academic needs, thus the school district was unable to meet the state target of 66% or higher for the placement of General Classroom with Modifications. Also it was noticed after reviewing the IEP's that the minutes of participation compared to the minutes of in school were calculated incorrectly, and thus this error has been corrected.